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February 26, 2015

Director, Office of Waste and Chemicals Management
U.S. Environmental Protection Agency
Region X
M/S WCM-127
1200 Sixth Avenue
Seattle, Washington 98101

Office of Air, Waste & Toxics

FEB 24 2015

Received

Director, CERCLA/RCRA Program
Shoshone-Bannock Tribes
P. O. Box 306
Fort Hall, Idaho 83203

Re: 2014 Annual Progress Report for Supplemental Environmental Projects
under RCRA consent decree in Civil No.98-0406-E-BLW

Dear Sirs:

In accordance with Paragraph 12, Section I, "General Requirements" in Attachment B and with Section VII, "Certifications" of the RCRA Consent Decree, Docket No. 98-0406-E-BLW, FMC submits this Annual Progress Report for Calendar Year 2014 for the single remaining Supplemental Environmental Project (SEP) specified in the above-referenced consent decree that had not been completed as of January 1, 2015. The Pocatello Plant ceased manufacturing elemental phosphorus from phosphate shale on December 10, 2001. Thirteen of the fourteen SEPs described in Attachment B were completed or discontinued as of that date. The Final SEP Reports for the completed SEPs were submitted to EPA on February 13, 2002 and the Professional Engineer certifications were provided on January 10, 2003.

The only remaining active SEP during 2014 was SEP #14, the Fort Hall Environmental Health Assessment. The 2014 Annual Progress Report for SEP #14 is enclosed.

I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you should have any questions, please feel free to contact the undersigned at 202-956-5211.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lizanne H. Davis". The signature is fluid and cursive, with the first name "Lizanne" being more prominent.

Lizanne H. Davis
FMC

Enclosure

cc (w/encl):

4 copies to EPA

2 copies to Director, Shoshone Bannock Tribes CERCLA/RCRA Program

2014 Annual Progress Report

SEP #14 Fort Hall Environmental Health Assessment

Summary of the RCRA Consent Decree Requirements:

The project description for SEP 14 is “FMC shall commit a minimum of \$1,650,000 to fund a study of the potential human health effects on residents of the Fort Hall Reservation that may have resulted from releases of hazardous substances from RCRA waste management units and other sources at the FMC Pocatello facility. The study will evaluate both direct human exposure pathways (air, water and soil) and indirect pathways (food, plants, fish and animals). In accordance with EPA’s SEP Policy, the project will provide diagnostic, preventative and/or remedial components to human health care.”

The Consent Decree set a number of requirements starting in 1999 and extending into 2002. The applicable requirements and original deadlines were:

1. Selection of a Study Design Panel (a group of independent scientific consultants) within 120 days from lodging of the Consent Decree (the Consent Decree was lodged October 16, 1998).
2. Selection of a Communications/ Education Team within 90 days from lodging of the Consent Decree.
3. Submit an Assessment/Study Plan and contractor selection to EPA for approval by October 31, 1999.
4. Implementation and completion of an approved assessment/study plan and submittal by December 31, 2002 of a Final Study Implementation Report to EPA for review.
5. Incorporate EPA comments and issue Final Study Implementation Report 30 days after receipt of comments.
6. Concurrent with Tasks 4 and 5 above, prepare and implement a Communication/Education Plan (after incorporating EPA’s comments).

a. Any modification of the SEP approved under Paragraph 4, supra, or for which FMC expects to seek approval

Representatives for FMC and the Shoshone-Bannock Tribes Study Management Team jointly submitted a budget modification request to EPA on February 4, 2010. The needed modification involved a reallocation of the amounts set forth in the consent decree for the four categories of project work. The modification sought to increase the budget allocations for the Study Design Panel and the Study Management Team to more accurately reflect actual and projected expenses for these project elements, by transferring funding to those activities from the amounts specified in the consent decree for Study Implementation and Communication and Education. On February 24, 2010, EPA provided written approval of this request.

The Study Management Team agreed in December, 2012, to submit a budget modification to EPA to consolidate the balance of funds for Health Study Planning and Development to the Study Management Team allocation. This was based on the fact that SEP 14 study planning and development had been completed and the balance of funds in that account would appropriately continue Study Management Team administration and project execution requirements. EPA approved the budget modification January, 2013.

b. Actions taken by FMC toward implementation of each SEP during the previous year

SEP 14 has been a joint effort involving both FMC and Tribal representation. The joint project oversight group (FMC and Tribal representatives) is termed the Study Management Team (SMT). A separate Study Design Panel (SDP) has responsibility for making recommendations and providing input to the SMT regarding the health studies to be performed, recommending contractors to conduct those studies, and reviewing the study implementation.

b.1 Oregon Health and Science University Health Profile Report

In 2002, the SDP that had been constituted at that time recommended a prevalence study of disease in the Fort Hall Reservation Tribal population utilizing the health records at the Fort Hall Indian Health Service (IHS) Clinic. The Fort Hall Tribal Business Council passed a resolution in support of the prevalence study recommendation, as well as a cancer incidence study.

Following the Fort Hall Tribal Business Council resolution, Drs. William Lambert and Thomas Becker of the Oregon Health & Science University (OHSU) in Portland, Oregon were selected to conduct the study. Drs. Lambert and Becker were Tribal-appointed members of the SDP. They were selected to conduct the study based on their experience in planning, designing, and implementing epidemiological health studies for Native American communities.

FMC had no contact with representatives of the Shoshone-Bannock Tribes and no substantive contact with Drs. Lambert and Becker regarding work on SEP 14 during that period, and neither the SMT nor the SDP convened any meetings.

Given the lack of communication and lack of apparent progress after more than six years of implementation, FMC notified EPA in a letter dated December 23, 2005, of its determination, pursuant to Consent Decree Attachment B Section I.6, that completion of SEP 14 was neither economically nor technically feasible and that FMC was terminating this SEP.

Soon after FMC communicated its December 2005 determination to EPA, the OHSU scientists issued a draft of the core deliverable—the Tribal Health Assessment report, entitled *Health Profile for Shoshone and Bannock Tribes at Fort Hall, Idaho* (“*Health Profile Report*”). The OHSU scientists issued the draft report in January 2006 but sent it only to the Tribes. FMC learned of the draft report from a Tribal representative during a management meeting with EPA and the Tribes in Seattle on January 19, 2006. Following Tribal review and comments in which FMC was not requested to participate, and the lack of any FMC opportunity for similar review and commenting on the draft report, the OHSU scientists issued a final version of the report in April 2006. The final report again was sent only to the Tribes and not to FMC and with no notice to FMC that it had been issued. After repeated requests by FMC, the Tribes released the April 2006 version of the report by sending it to EPA under a cover letter dated May 18, 2006. The Tribes also sent copies of that letter and its attached report to the U.S. Department of Justice (DOJ) and FMC.

b.2 2007 Activities

Following discussions with EPA and the Tribes in which FMC agreed to resume efforts under this SEP and undertake an additional and final phase of the health assessment, FMC sent EPA, DOJ and the Tribes a letter dated July 13, 2007 withdrawing without prejudice its previous termination letter. Between the July 2007 letter and the end of 2007, both FMC and the Tribes re-appointed their representatives to the SMT and that group met in Pocatello, Idaho on September 20, 2007 and October 31, 2007. Representatives of EPA attended those meetings as observers. FMC also designated four scientists as its representatives to the SDP. FMC communicated those designations to the Tribes by letter dated October 23, 2007. The Tribes did not complete their SDP designations until May 2008. That delay prevented making progress on the design, and thus the implementation, of the concluding phases of the SEP 14 project.

As reported in FMC’s SEP 14 annual report that was submitted for 2007, there were SMT meetings on September 20, 2007 and October 31, 2007 that produced a series of agreements on form and substance going forward:

- (1) The SDP would review all existing and planned studies associated with FMC’s former operating plant and determine whether further study was necessary.
- (2) The first meeting of the SDP would be held at Fort Hall and take place in conjunction with a meeting of the SMT. A presentation to the Fort Hall Business Council and a tour of the Reservation areas potentially affected by FMC

emissions would be scheduled. This meeting originally was scheduled to take place in November, 2007, and later was rescheduled to December, 2007.

However, a joint SMT/ SDP meeting never took place in 2007 due to the Tribes' not having appointed their SDP representatives by that point.

- (3) The SMT would act as the Communication Team and place a significant effort on educational activities involving SEP 14 going forward. It was agreed that the SMT would informally share a Communication and Education Plan (CEP) with EPA for comment before the SDP developed the proposed study design work plan, and that FMC would submit a final CEP to EPA for its formal review and approval at a later time in accordance with Consent Decree requirements.
- (4) SMT meeting notes would be developed separately by both FMC and the Tribes, reviewed and edited by each, and bound together to provide formal SMT meeting summaries.
- (5) Incomplete documents as of the end of 2007 pending final input from the Tribes included the draft Communication and Education Plan, a draft Newsletter, and the October 31, 2007 SMT meeting notes.
- (6) Incomplete FMC actions at the end of 2007, apart from major SEP elements such as development of a health study work plan that remained in progress, included development of a proposed budget and invoicing system. FMC was prepared to review its budget and invoicing systems at SMT/SDP meetings scheduled for November and December 2007, but those meetings were cancelled at the Tribes' request.
- (7) An incomplete action on the part of the Tribes as of the end of 2007 was appointment of their SDP representatives.

b.3 2008 Activities

During 2008, many of the above items were accomplished while others were delayed.

Regular dialogue between the FMC and Tribal SMT members began in earnest in late May, 2008 following the appointment of the Tribal SDP members. No progress could be made on the fundamental object of the SEP 14 project, i.e., study design and implementation, while FMC awaited the Tribes' SDP designations. From May 2008, following the Tribes' SDP appointments, through the end of 2008, there were SMT conference calls on an almost weekly basis. The regular SMT conference calls included EPA participation.

The FMC and the Tribal SMT members agreed to engage the services of *de maximis, inc.*, a firm specializing in environmental project and contract management, to manage budgeting and invoicing for SEP 14. FMC proposed *de maximis* to the SMT to formally develop a system for project expenditure accountability and to accommodate the Tribes' unwillingness to provide tax identification information to FMC for purposes of individual reimbursement. *de maximis* established guidelines and procedures that were adopted by FMC and, later, by the Tribes. As agreed by the SMT, *de maximis* also developed an electronic library that compiled numerous existing environmental and health studies to assist in SEP 14 health study planning and implementation. This library is termed the

Project Portal. The Portal contains all the materials that either FMC or the Tribes consider potentially relevant to SDP study design efforts and later study implementation. It can be accessed by all SMT and SDP members.

On July 21 and 22, 2008, a joint meeting of the SMT and SDP was held in Pocatello, Idaho. The meeting included an introduction and briefing of the SMT/SDP with the Fort Hall Business Council, a luncheon, and a tour of the FMC plant site and several areas at the Reservation. The second day of the meeting reviewed background materials that could be relevant to the SDP's work in developing study proposals. The meeting, however, did not generate any proposed study designs.

Two subsequent joint SMT/SDP conference calls were held on September 16, 2008 and November 6, 2008 to review and consider possible study designs. While no study design was produced on either call, the SDP agreed to meet in Salt Lake City, Utah on January 20, 2009 to affirmatively develop study designs for SMT consideration.

Substantive work on the Communication and Education Plan was not undertaken during 2008 given the Tribal SMT members' reversed position that development of such a document was premature.

The Tribal Coordinator position, which FMC had agreed to temporarily fund from the SEP 14 project even though not required under the Consent Decree, was filled by three Tribal appointees over the course of 2008. Numerous parameters associated with the position were reviewed by the SMT including hours of service and employment status. As of the close of 2008 the position was vacant because the Tribes had not provided a non-Tribal employee to fill that position. FMC and the Tribes previously had agreed that their respective employees would not be paid, except for their allowed expenses, from SEP 14 project funds.

b.4 2009 Activities

On January 15, 2009, the Tribes published a notice in the *ShoBan News* advertising the independent contractor position of SEP 14 Tribal Coordinator. The Tribes notified FMC on February 4, 2009 that the position had been filled. The position originally provided that the Tribal Coordinator was authorized to charge up to 20 hours/week to the SEP 14 projects. That authorization was reduced to 10 hours/week in the fourth quarter of 2009 as an increasing effort was made by FMC to make SEP 14 more efficient and reduce its administrative costs.

On January 19 and 20, 2009, the SDP met in Salt Lake City, Utah to develop a study design for SMT consideration. Study abstracts were developed by the SDP for review by the SMT. One SMT member representing FMC and the Tribes attended this meeting.

The SDP met without SMT participation in Chicago on July 2, 2009. At that meeting the SDP further developed and refined a draft study design document. The SDP submitted their draft proposal to the SMT on July 15, 2009. The SDP draft study design included

four studies applicable to Fort Hall Reservation residents, entitled: 1) All Case Mortality Study, 2) All Case Cancer Study, 3) Juvenile Asthma Incidence Study and 4) Sentinel Health Events Study. The SMT agreed to meet to finalize comments on the draft SDP study proposal at Fort Hall on August 20, 2009. However, the Tribal SMT later cancelled the meeting without explanation. Throughout the balance of 2009, the SDP draft study design continued to be refined by conference calls and emails among and between the SDP and SMT. These efforts nevertheless failed to generate specific text for a work plan that both the FMC and Tribal SMT members could accept.

The SMT did agree in 2009 that the issuance of the final study RFP and study contract will be the responsibility of FMC.

The SMT spent a considerable amount of time in 2009 reviewing Tribal invoices that exceeded applicable Letters of Authorization (LOA). The SMT approved LOAs in 2009 that more specifically circumscribed the scope of authorized work for all project vendors, with the objective of eliminating overcharges and reducing the time and expense of invoice review by the SMT and third-party payor *de maximis*.

The SMT agreed to the need to reallocate the SEP 14 budget and developed a revised proposed budget for EPA approval that involved reallocating \$200,000 from Code B (Study Implementation) to Code A (Study Design), and reallocating \$150,000 from Code C (Communication and Education) to Code D (SMT). A joint FMC/Tribal SMT member letter to EPA requesting approval of the reallocation was drafted by FMC and provided the Tribal SMT in November, 2009. The Tribal SMT did not return the document by the end of 2009 and thus it had not been sent to EPA by the end of the year.

The SMT approved a "letter to the editor" of the *ShoBanNews* providing clarity and an update of activities under SEP 14. This was necessary to counter an erroneous article in that newspaper that characterized FMC as seeking to "get out of SEP 14" by having submitted a Request for Acknowledgement of Completion of the RCRA Consent Decree (RFAC) to EPA. As the clarification letter to the *ShoBan News* pointed out, FMC had explicitly excluded SEP 14 from its RFAC because this project remains underway.

The SMT continued to revise the draft Communication and Education Plan (CEP), as well as a SEP 14 newsletter for Reservation distribution. Drafts of each of these documents were prepared in early 2008.

There were approximately 22 SMT conference calls, most of which included EPA participation, in 2009.

b.5 2010 Activities

The SMT submitted a request to EPA to reallocate funds within the SEP 14 budget to more accurately reflect actual and projected expenses for project elements on February 4, 2010. EPA approved the SMT request on February 24, 2010.

The SMT again throughout 2010 spent considerable time reviewing the budget and Tribal SMT and SDP invoices that either exceeded Letters of Authorization or were submitted for expenses that could not be justified.

The Tribal SMT refused to reauthorize *de maximis, inc* as the project administrative and financial disbursement authority. The Tribal SMT disagreed with *de maximis'* review and rejection of several Tribal invoices throughout 2009 and into 2010, and recommended that the SMT issue an RFP to identify and secure another financial and administrative SEP 14 contractor. The FMC SMT objected to the Tribal SMT position, advising that *de maximis* had simply met its obligation to ensure accurate accounting, disbursement and project solvency as had been jointly agreed to by the FMC and Tribal SMT. FMC also identified that issuing an RFP for these services would consume time and funds that the project could not afford. FMC offered, and the SMT agreed, that FMC would directly and separately fund *de maximis* through the end of the project to provide accounting and administrative functions to SEP 14, including support for the Project Portal, and that FMC would submit such costs to EPA for credit at the closure of SEP 14.

The SDP and SMT came to unanimous agreement on May 27, 2010 on the Study Design Work Plan (SDWP) for SEP 14. As originally submitted in July, 2009 by the SDP in draft form, the SDWP includes four studies applicable to Fort Hall Reservation residents, entitled: 1) All Case Mortality Study, 2) All Case Cancer Study, 3) Juvenile Asthma Incidence Study and 4) Sentinel Health Events Study; each to be conducted in two phases of (a) determining the feasibility of conducting the study and (b) where determined feasible, study implementation. The delay in coming to closure on the document relates to 1) interminable discussions on nuances associated with the studies among and between the SMT and SDP, and 2) SMT extensive review and discussion of unauthorized charges by the Tribal SDP in consultation exclusively with the Tribal SMT concerning the SDWP, which was prohibited in the SDP Letters of Authorization given the intended collaborative nature of the project.

Subsequent to the approval of the SDWP, FMC developed and the SMT approved a "Request for Information" to be conducted on an electronic platform, termed FlexRFP, through the FMC Procurement Department. The SMT agreed that utilizing FlexRFP would provide necessary confidentiality and assessment of vendor responses to the RFI. The SMT requested that the SDP provide recommendations of vendors to receive the RFI. FMC also recommended vendors. The identified vendors included academic institutions, private contractors and NGO public health related "message boards."

The RFI was released in late May, 2010 to 14 potential vendors. It provided an approximate 30-day response time. Of the 14 vendors/message boards that received the RFI, only one vendor responded. Although FMC was prepared to issue a RFP to this one vendor, the Tribal SMT objected and requested issuance of a second RFI. Following considerable discussion, FMC agreed to the Tribal SMT request; the SDP was again solicited and recommended sending the second RFI to 11 new vendors. RFI#2 was

issued in August, 2010 to the 11 new vendors. Again, a 30-day response time was provided. Of the 11 additional recipients, only 1 responded.

The SMT agreed that the RFIs had been conducted appropriately. Of the 25 vendors solicited through the two RFIs, the SMT agreed that the 2 responses were qualified to receive the RFP. FMC proceeded to develop the RFP, again to be issued on the FlexRFP electronic platform, and provided the document for the SMT's review in November, 2010. FMC anticipated that the SMT would approve the RFP so as to allow issuance prior to the close of 2010. However, the inability of the Tribal SMT to agree to terms of the RFP prompted extended dialogue between the SMT through the end of 2010, resulting in the RFP issuance being delayed until January, 2011.

FMC's voluntary agreement to provide payment for a Tribal Coordinator under SEP 14 was terminated in late December, 2010 due to the Tribal Coordinator's public misrepresentation of SEP 14 at a "called meeting" of the Tribes. The failure of the Tribal Coordinator to provide the Tribal membership with an accurate review on SEP 14 progress, combined with unfounded and unprofessional allegations against FMC SMT members as reported in the *ShoBan News*, prompted FMC to exercise its prerogative under the SMT-approved Tribal Coordinator Letter of Authorization to terminate the position.

There were approximately 20 SMT conference calls in 2010, most of which included EPA participation.

b.6 2011 Activities

Significant milestones were attained in 2011 with regard to the implementation of the SEP 14 objective to fund a study of the potential effects of FMC releases among residents of the Fort Hall Reservation.

The SEP 14 RFP was issued on January 28, 2011 to the two qualified organizations, Exponent and AOEC, that were identified from the RFI process described above. The RFP was issued on FlexRFP®, an Internet system that was the same system utilized to automate the RFI, ensuring confidentiality and consistency in vendor responses. The RFP provided a period for vendor submission of questions and SMT responses. The RFP terminated on May 6, 2011. Both Exponent and AOEC responded.

Following issuance of the RFP, FMC recommended, and the Tribal SMT members agreed, that a consistent set of bid evaluation criteria be developed so that the bids could be evaluated objectively and in a timely manner. Considerable effort went into the development of this scoring matrix. FMC secured the services of an outside consultant experienced in developing RFPs and evaluating bids to design the scoring matrix. FMC will submit costs for the consultant's work to EPA for credit at the closure of SEP 14. The SMT also agreed to submit the RFP responses to the Study Design Panel for their independent evaluation. Dr. Jack Mandel recused himself from the Study Design Panel review of the RFP responses to avoid the appearance of a conflict of interest given that he

had taken the position of Chief Science Officer at Exponent some time after the completion of the SDP Study Design Work Plan.

On July 18, 2011, the SDP informed the SMT that its average score in reviewing the two RFP responses provided a higher ranking to the Exponent bid. Separately, the SMT also unanimously agreed that the Exponent bid ranked higher under the scoring matrix. On August 17, 2011, FMC informed Exponent that the SEP 14 Study Management Team had unanimously determined to award them the contract. This SMT decision was based on review of the Exponent and AOEC proposals by individual members of the SMT utilizing the bid evaluation criteria previously developed and unanimously agreed to by the SMT. The SMT had previously submitted Exponent's qualifications and bid to EPA Region 10 and EPA had approved selection of Exponent as the health study contractor, as the Consent Decree required.

FMC signed a contract with Exponent on September 12, 2011 for their conduct of the health study. As provided under the RFP, the contract is a fixed price agreement, with two phases of 1) determining the feasibility of conducting each of the four studies described in the Assessment/Study Plan and 2) implementing the studies determined to be feasible.

At the request of the Study Design Panel, the SMT also developed SDP Guidelines defining the role of the SDP in providing oversight and input to the SMT during the course of Exponent's implementation of the health study. Exponent also requested clarification on the role of Dr. Jack Mandel in providing advice and counsel to Exponent and the SDP as the study is executed. The SDP unanimously agreed to this role by Dr. Mandel.

A meeting in Pocatello, Idaho was held November 8 and 9, 2011 for members of the SMT and Exponent to acquaint the study investigators with the FMC plant location and local area, as well as for Exponent and the SMT to discuss the details of the study design and implementation. A plant tour followed by a Reservation tour was conducted on November 8, and a SMT/Exponent planning session was held the following day at the Red Lion Hotel, Pocatello, Idaho. During this meeting, details were provided by Exponent on the approach and the data needs essential to the study implementation. Tribal SMT members provided initial introductions and access to the individuals and repositories of information at Fort Hall that could be relevant to the health study.

A general agreement also emerged that a briefing for the Fort Hall Business Council would be essential in advancing the study within the Reservation community and obtaining the necessary level of participation by Reservation residents in the planned health study. The SMT agreed to schedule a briefing for the Fort Hall Business Council in early January, 2012 for such purpose, and conduct a public meeting for Reservation residents. Exponent also requested and received a letter from the Fort Hall Business Council approving Exponents' preliminary submission to the Institutional Review Board of the Northwest Portland Indian Health Service.

There were approximately 34 SMT conference calls in 2011, most of which included EPA participation.

b.7 2012 Activities

The Study Management Team and Exponent conducted a briefing for the Fort Hall Business Council January 18, 2012 and received the Council's support for Exponent's conduct of the study. This meeting was attended by EPA. A public poster session and meeting were held January 19, 2012 for Reservation residents. FMC SMT members did not participate in these public forums, to reinforce the fact that Exponent will conduct an independent scientific study and to keep the poster session and public meeting focused on the SEP 14 study rather than on other issues that are contentious between FMC and the Tribes.

Exponent conducted a second Fort Hall community briefing in May, 2012 at the Fort Hall High School and Dome Room in order to help Reservation residents understand the nature of the study and enhance participation. Exponent reviewed the study design as prepared by the Study Design Panel and the need to conduct a preliminary survey of Reservation residents to determine the feasibility of conducting the study as designed by the SDP. Both the January and May, 2012 meetings with Reservation residents were poorly attended. During each visit Tribal Study Design Panel Members (TSMT) provided introductions to Tribal elders and tribal health related services.

In August, 2012, following input from the SMT, Exponent mailed the preliminary survey to all Reservation residents based on mailing lists provided by the Tribes. Exponent created a master mailing list for the Reservation based upon multiple data bases provided by the TSMT (at unexpected cost/time).

In November, 2012, Exponent provided a Progress Report to the SMT identifying the results of the preliminary survey:

- 351 (<10%) of 3,545 surveys that were mailed were returned to Exponent after having been at least partially completed;

- An additional 120 surveys (4%) were returned unopened and marked as being undeliverable;

- 3,074 surveys (87%) are assumed to have been delivered but *not* completed;

- Among the 351 completed surveys, 32 were returned by individuals who indicated that they were unwilling to complete the survey.

Conclusion: Survey results showed that only 319 respondents (9% of 3,545) were willing to participate in the full study.

Based on the results of the preliminary survey, Exponent concluded that the cohort analysis originally designed by the SDP was not feasible. Exponent recommended a registry study be undertaken in lieu thereof. The registry study would review existing disease and death registries to quantify health outcomes in defined study areas associated

with mortality and cancer. The registry study would then compare the identified death/disease rates at Fort Hall with an appropriate reference population to be identified.

On December 5, 2012, the SMT held a conference call with Exponent to review the results of the preliminary survey. The SMT agreed the Study Design Panel should be provided the Progress Report and a dialogue scheduled with Exponent to further review the preliminary study results. The SDP/Exponent conference was scheduled in January, 2013.

Another SEP 14 activity which the SMT completed in April, 2012 was the finalization of the Community Education Plan (CEP) which has served to guide public outreach during 2012 in conjunction with Exponent's work on the health study. EPA advised that it would not formally approve the CEP until the study is completed. However, EPA encouraged the SMT to develop a draft CEP while the study is being implemented.

b.8 2013 Activities

Exponent developed a Second Progress Report: Fort Hall Environmental Health Assessment Study dated August 30, 2013 based on a series of discussions with the SDP and SMT on which unanimous support was secured.

While the Second Progress Report was within the scope of the EPA-approved Study Work Plan, the SMT submitted the document to EPA/DOJ for approval in October 14, 2013. Subsequently approval was received on October 30, 2013. The Second Progress Report describes the activities to be undertaken in Phase II of the project and are articulated in the section described as the "Methodological and Analytical Path Forward."

Upon approval, Exponent undertook to secure IRB approval to collect and develop data to complete the analysis and results are expected at a minimum by mid-2014.

b.9 2014 Activities

The principal investigator, Dr. Dominik Alexander, resigned from Exponent (the study contractor) in the first quarter of 2014 and was replaced by Dr. David Hoel. Dr. Alexander was subcontracted to the project by Exponent to facilitate completion of the project which was anticipated by the end of 2014, which created a period of delay in study progress.

In correspondence to the Study Management Team July 21, 2014, Dr. Alexander advised that he and Dr. Hoel would be working closely with the Idaho State Epidemiologist to complete the cancer, mortality and sentinel events assessments, as well as working with a Fort Hall liaison to perform medical records reviews for new onset asthma and visit frequency.

Throughout 2014, Exponent advised that it was moving forward as planned and in accordance with the methodological and analytical protocol summarized in a previous progress report to the SMT.

On December 19, 2014, (and conveyed to the Study Management Team January 5, 2015) Dr. Alexander advised that significant progress had been made in the analytical phase of the Fort Hall community health assessment. According to the approved study work plan, Exponent proceeded to conduct four health assessments (i.e., cancer, mortality, sentinel events, and asthma), and carry out the analyses for the cancer, mortality, and sentinel health events assessments, determining that it was not reasonable to pursue any additional analytical ventures for asthma at this time.

c. Activities in further implementation of each uncompleted SEP that are scheduled for the upcoming year

Exponent has completed the first phase of the SEP 14 studies in defining feasibility of the studies developed by the SDP. Presently, Exponent has revised the Progress Report (now termed Second Progress Report) based on input from and approval by the SDP, SMT, and EPA. At this time, Exponent expects to conclude the study(ies) and prepare a Final Study Implementation Report. FMC's current estimate is that the Final Study Implementation Report will be issued in 2015. Conference calls/web-X with SMT and SDP will be scheduled to discuss study results prior to development of the final report. Submission to EPA for approval will also be scheduled. The SMT will also submit the Community Education Plan to EPA for approval and will then complete education milestones contained therein.

d. The anticipated schedule for completion of each uncompleted SEP, including a discussion of any actual or anticipated delays

The table set forth below lists the actual and anticipated completion dates for the SEP 14 project milestones. The original project schedule anticipated completion of field work and submittal of a Final Study Implementation Report by December 31, 2002. The schedule has been extended annually in past years, as FMC has reported in previous SEP 14 Annual Reports.

Milestones	Completed or Anticipated Completion Dates
Selection of Communication/Education Team	October 11, 1999 (original completion date); re-constituted on September 20, 2007 by SMT decision that the C/E Team would consist of the SMT members.

Selection of Study Design Panel	<p>July 18, 2001 (original SDP members designated).</p> <p>FMC designated its SDP representatives on October 23, 2007 for the concluding phase of the SEP 14 health assessment.</p> <p>Tribes provided formal notice to FMC on May 22, 2008 that Tribal SDP representatives had been selected.</p>
Proposed Assessment/Study Plan and contractor selection submitted to EPA	August 17, 2011
FMC Submittal of draft Final Study Implementation Report	No date available, for the reasons listed above. FMC estimates sometime in 2015.
EPA review and comments on draft Final Study Implementation Report	Calendar date cannot be estimated for the reasons listed above.
Issue final version of Final Study Implementation Report	Within 30 days after FMC receives EPA comments on the draft report; calendar date cannot be estimated for the reasons listed above.
Submit Communication/ Education Plan and schedule to EPA for approval	Will be submitted to EPA for formal approval upon completion of the Final Study; calendar date cannot be estimated for the reasons listed above.
Implement and complete Communication/ Education Plan	<p>Submittal will be made in accordance with Consent Decree requirement; calendar date cannot be estimated for the reasons listed above.</p> <p>Formal implementation will</p>

	commence within 30 days after FMC receives EPA approval of the Communication/ Education Plan; calendar date cannot be estimated for the reasons listed above. Informal implementation in advance of EPA approval occurred in 2012 based on a final CEP that the SMT developed in April 2012.
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FMC incurred SEP 14 expenses during 2014 in the amount of \$161,350. This and other dollar figures are rounded. All of those expenses were within the study implementation category listed in the RCRA Consent Decree. FMC's total SEP 14 expenditures as of the end of 2014 were \$1,237,985. The remaining SEP 14 balance as of the end of 2014 thus was \$412,015.

As described in previous SEP 14 Annual Reports, FMC took a number of actions to review past billings to the SEP 14 project and their assignment to the four budget categories specified in the RCRA Consent Decree. Specifically, FMC withdrew charges previously assigned to SEP 14 for retired and now deceased FMC employee Dr. Marty Reape. FMC determined after reviewing EPA's SEP policy that Dr. Reape's status as an FMC employee disqualified his costs from SEP credit. FMC accordingly will absorb Dr. Reape's costs and not charge those to SEP 14. FMC more generally also made the determination that no costs for FMC or Tribal employees will be charged to this SEP, except for their approved travel and other out of pocket expenses. This decision was affirmed by the SMT. FMC assumed payment for de maximis, inc and will submit such expenses to EPA for SEP credit at the conclusion of SEP 14.

The SEP 14 costs to be incurred during 2015 cannot be precisely estimated at this time. However, based on a number of assumptions including the contractor Exponent's access to information and ability to conduct the revised studies, and public participation through the Community Education Plan, project costs are expected to be roughly \$412,015.

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